



## **Montana Fish, Wildlife & Parks**

September 20, 2014

To Whom It May Concern:

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on a proposal to purchase a perpetual conservation easement on 298 acres from Olson Farms (aka Pheasant Bend Conservation Easement). The proposed easement is located approximately 1/2 mile south of Ulm, near the confluence of the Missouri and Smith Rivers. The purpose of the proposal is to protect the conservation and agricultural values that exist on the property, which include native riparian and wetland wildlife habitats, scenic open space and recreational opportunities, while maintaining the property in private ownership and operation.

A Draft Environmental Assessment (EA) and Draft Management Plan have been provided for your review. Public comment is welcome and will be accepted September 24 through October 23, 2014. A public meeting on this proposed conservation easement will be held at the Ulm School, October 9<sup>th</sup> at 7:00 pm. If you have questions, need additional copies of the draft EA or choose to provide written comments, please contact us at the following address:

Montana Fish, Wildlife & Parks  
Attn: Pheasant Bend CE  
4600 Giant Springs Road  
Great Falls, MT 59405

Or electronic comments to: [fwprg42@mt.gov](mailto:fwprg42@mt.gov)  
Attn: Pheasant Bend CE

Thank you for your interest and involvement,

Gary Bertellotti

FWP Region 4 Supervisor  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
(406) 454-5840

**DRAFT ENVIRONMENTAL ASSESSMENT  
(September 2014)**

**PHEASANT BEND  
CONSERVATION EASEMENT  
(CASCADE COUNTY)**

**PREPARED AND PROPOSED BY:**

**Montana Fish, Wildlife & Parks  
Wildlife Division  
4600 Giant Springs Road  
Great Falls, MT 59405  
(406) 454-5840**

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## **DRAFT ENVIRONMENTAL ASSESSMENT**

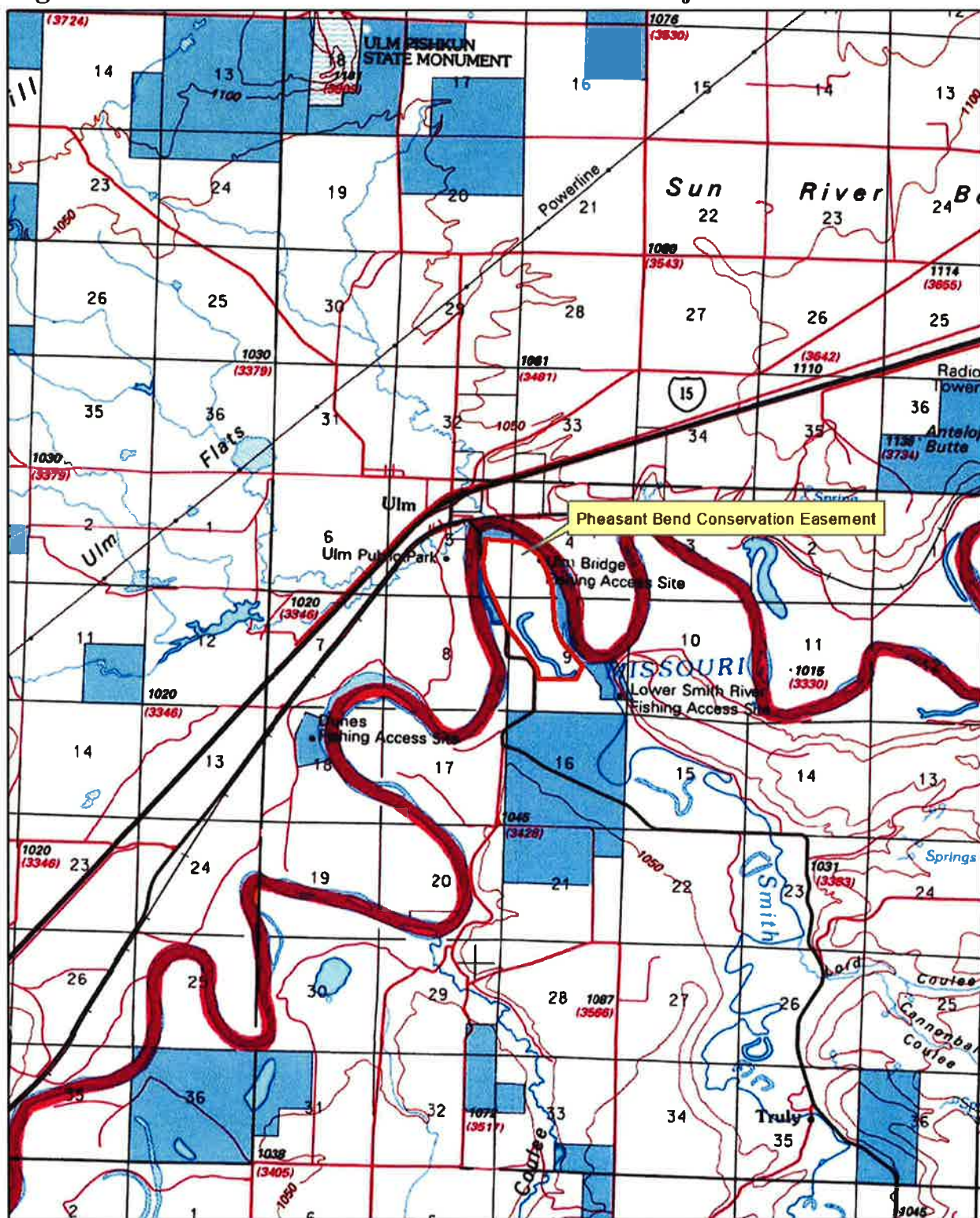
### **I. INTRODUCTION**

Montana Fish, Wildlife & Parks (FWP) invites the public to comment on a proposal to purchase a perpetual conservation easement on 298 acres near the confluence of the Missouri and Smith Rivers near Ulm, MT. The purpose of the FWP / Pheasant Bend Conservation Easement is to preserve and protect the conservation and agricultural values of the Land, particularly the habitat provided for its wildlife species, into perpetuity. The project area adjoins the FWP 163 acre Ulm Bridge Fishing Access Site (FAS) on the Missouri River (Figure A).

The property possesses riparian, emergent and forested wetlands, shrub and native riparian communities important to many game and nongame wildlife species. Approximately 23 acres (7.7%) is native riparian habitat including mature cottonwood and green ash stands, having a native shrub grassland understory mostly comprised of snowberry, willow and chokecherry. Seventeen (17) acres (5.7%) are classified as seasonal freshwater emergent wetlands. Species including white-tailed deer, pheasant, Hungarian partridge, sharp-tailed grouse, Merriam's turkeys, along with numerous waterfowl, furbearer and non-game wildlife species inhabit the property. Species including burbot, northern leopard frog, trumpeter swan, bald eagle, Townsend's big-eared bat inhabit the property and/or neighboring habitats. These species are identified in Montana's Comprehensive Fish & Wildlife Conservation Strategy as species in greatest need of conservation. The property is currently managed as a working farm mostly for grain production, while maintaining and/or enhancing wildlife habitats throughout.

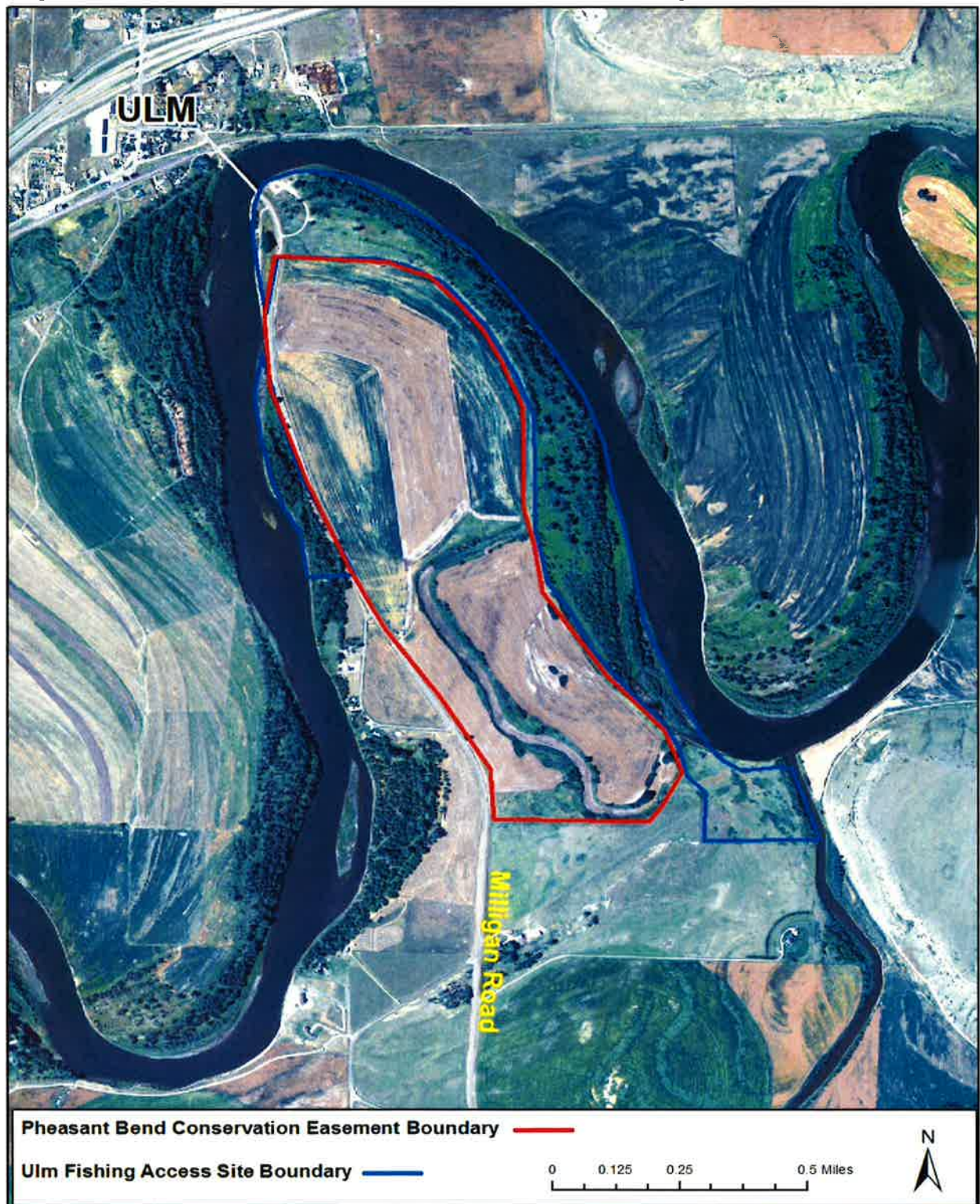
Pheasant Bend has the potential to become another "Missouri River subdivision" linking the city of Great Falls to the Cascade community and beyond to Helena. Subdivisions and human encroachment are becoming increasingly prevalent throughout the Missouri and Smith River corridors, and will undoubtedly continue into the future. Residential, commercial and/or recreational development could result in direct replacement of native plants, prime soils and wetlands with roads, houses, outbuildings, lawns, or excessive numbers of domestic animals. Substantial increases in daily human activity levels would be expected to disturb and displace wildlife across an extended radius that could potentially include neighboring lands. Livestock use, including adequate considerations for ground nesting game and non-game birds, is compatible with agricultural production but is not always firmly established in farm and ranch operations. This perpetual conservation easement would intend that the fundamental elements of wildlife habitat be protected into perpetuity, regardless of possible changes in property ownership.

**Figure 1. Pheasant Bend Conservation Easement Project Area.**





**Figure 2. Pheasant Bend Conservation Easement Project Area (Aerial).**



## II. AUTHORITIES AND DIRECTION

FWP has the authority under law (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill (HB) 526, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement or fee title acquisition (MCA 87-1-241 and 242). This is referred to as the Habitat Montana Program. Habitat Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. Those communities include intermountain grasslands, sagebrush grasslands and riparian corridors. Pheasant Bend includes such habitats and warrants conservation considerations. Funding from FWP's Upland Game Bird Program can be utilized towards securing perpetual conservation easements. This property also fits the Upland Game Bird Program easement guidelines.

Jeff Olson, owner of Olson Farms, offered the sale of the Pheasant Bend conservation easement to FWP. This offer reflects the Landowner's desire to perpetually maintain and protect the family's farming and ranching lifestyle, while maintaining and/or enhancing wildlife habitats. It is proposed that a conservation easement (Pheasant Bend), to be held by FWP, be purchased from Olson Farms. This easement would ensure the property remains in private ownership and operation, while preserving important agricultural lands, wildlife habitats and open space. The easement would also guarantee reasonable public access for hunting, trapping and wildlife viewing on the property. As with other FWP property interest proposals, the Montana Fish and Wildlife Commission must approve any easement or acquisition proposed by the Department. In addition, the Montana Board of Land Commissioners is also required to review and approve the Department's proposal for this conservation easement acquisition as this action has a value greater than \$100,000 and is larger than 100 acres. This Environmental Assessment (EA) is part of that decision making process.

## III. PROJECT LOCATION

Pheasant Bend conservation easement is located approximately 0.5 miles south of Ulm, in Cascade County (Figures 1 and 2). The property lies within T19N, R02E. Total acreage equals 298 acres, consisting of 23 acres of native Missouri and Smith River riparian habitats, 17 acres of seasonal wetlands with 258 acres dryland cropland. The entire property is within FWP Deer/Elk Hunting District (HD) 445.

## IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The primary purpose of this proposed action is to preserve the integrity of the associated native habitats while maintaining agricultural land uses and private ownership. The main goal of protecting the Pheasant Bend property centers on species such as white-tailed deer, Merriam's turkey, pheasant, Hungarian partridge, waterfowl and migratory birds, along with non-game bird and small mammal species. The need for this project is not established merely by habitats or wildlife use. Rather, the need is linked to threats directed towards native habitats. These threats manifest as residential subdivision, excessive livestock use, sodbusting of native riparian habitats and wetlands, along with associated detriments such as noxious weed encroachment and increased disturbance and removal of wildlife. This threat level is evident both locally and on a statewide basis. The majority of riparian and shrub grassland habitats along the mid Missouri and lower Smith Rivers have been converted to grain and/or domestic hay production, along with ever increasing housing development. Much of this remaining native vegetation is at times heavily utilized by winter livestock grazing. Throughout Montana intermountain grasslands and riparian habitats have, and continue to receive, the brunt of residential subdivision development across the state. Residential, commercial and/or recreational development could result in direct replacement of native plants, prime soils and wetlands with roads,

houses, outbuildings, lawns, or excessive numbers of domestic animals. Livestock use, including adequate considerations for ground nesting game and non-game birds, is compatible with agricultural production but is not always firmly established in farm and ranch operations.

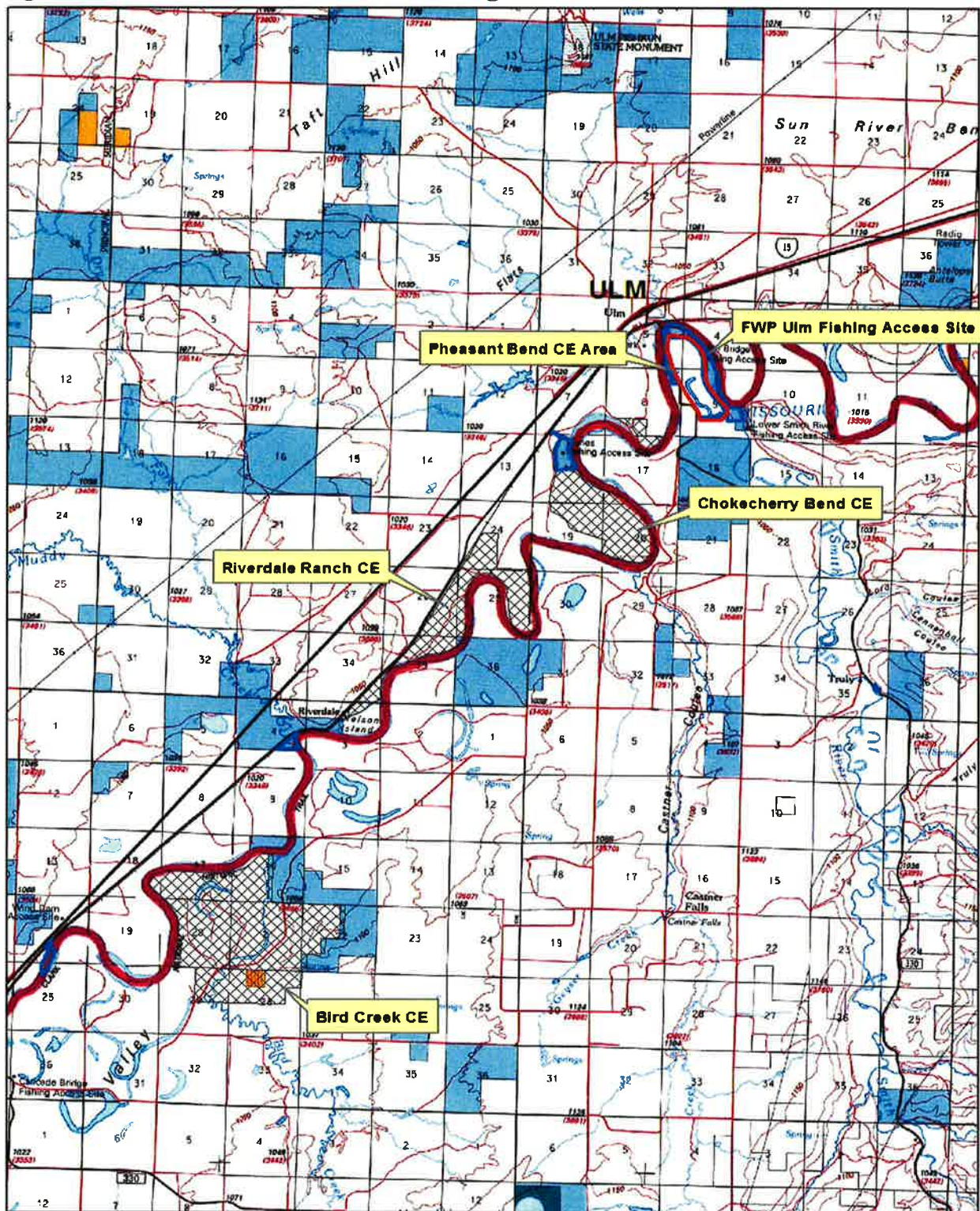
Pheasant Bend adjoins the permanently protected FWP owned 163 acre Ulm Fishing Access Site, which incorporates 2 miles of Missouri River and Smith River frontage. The Pheasant Bend Conservation Easement would compliment 3 existing nearby FWP conservation easements that protect and provide recreational opportunities on about 4,000 acres and 14 miles of Missouri River bottomlands (Figure 3). The property is located about 10 miles downstream from the 2,292 acre FWP / Bird Creek Ranch Conservation Easement (CE), 5 miles from the 850 acre FWP/Riverdale Ranch Conservation Easement, and 2 miles from the 800 acre FWP/Chokecherry Bend CE. Figure 2 details the property's proximity to these other FWP easements. The Pheasant Bend CE would protect 298 acres along with associated riparian habitats through this perpetual easement.

The 298 acre Pheasant Bend property consists of: 258 acres of farm ground, approximately 23 acres native riparian habitat including cottonwood, green ash and shrub grassland understory mostly comprised of snowberry, willow and chokecherry and seventeen (17) acres of seasonal freshwater emergent wetlands. In Montana, about 4% of the landscape consists of riparian and wetland communities (Montana's Comprehensive Fish & Wildlife Management Strategy, FWP 2005).

A secondary result of this project is guaranteed public recreational access. This proposed Pheasant Bend Conservation Easement would also ultimately require a Management Plan, which includes a detailed recreational access plan. Guaranteed public hunting, hiking, trapping and wildlife viewing on the property through this conservation easement would offer opportunities in an area of the Missouri and Smith Rivers where public access is limited. This Environmental Assessment also includes the Draft Management Plan for public review at this time.



**Figure 3. FWP Conservation Easements along the Missouri River near Ulm and Cascade.**



## V. DESCRIPTION OF PROPOSED ACTION

The proposed action is FWP would purchase a conservation easement from Pheasant Bend for no greater than the appraised value of the easement, which sums \$280,000. This easement would include 298 deeded acres. FWP would utilize \$195,000 from its Habitat Montana and Upland Game Bird Enhancement Program, along with partner dollars to fund the easement. These partners recognize that the property contains important wildlife and riparian habitats that are worthy of perpetual conservation and have contributed funding towards the acquisition of this easement.

Funding partners include:

- PPL Montana Wildlife and Fisheries TAC - \$40,000
- Montana Fish and Wildlife Conservation Trust - \$25,000
- Great Falls Chapter Safari Club International - \$10,000
- Upper Missouri River Pheasants Forever - \$5,000
- Montana Ducks Unlimited - \$5,000

If the project is completed, FWP would hold and monitor the conservation easement. This draft Environmental Assessment further explains how FWP's proposed expenditure for this conservation easement would help facilitate protection of the property's wildlife and agricultural values.

To perpetually define and ensure sound grazing practices across time and Landowners, this conservation easement requires a grazing system on native rangeland/riparian habitats (should grazing occur) that meet or exceed FWP grazing standards. For specific details, see attached grazing plan and FWP grazing standards (Appendix A and B in attached draft Management Plan). The primary goal of the grazing system is to allow the entire parcel to be rested for wildlife habitat 3 out of every 4 years. Grazing typically occurs after wheat fields have been harvested during late fall/early winter months.

Proposed conservation easement terms specify that the Pheasant Bend will provide reasonable free recreational access for hunting, trapping, hiking and wildlife viewing (recreational access) during all times of the year. The Landowner will allow hunting during all upland game bird, waterfowl and big game hunting seasons (as determined by the Fish and Wildlife Commission). Pheasant Bend proposed recreational access rules are detailed in the attached Draft Management Plan. Whereas the easement language is intended to endure into perpetuity, the Management Plan may be amended at any time by mutual consent between the Landowner and FWP, to address changing conditions, emerging issues and the needs of the recreating public. Trapping will be permitted according to Montana Fish and Wildlife Commission regulations and will be allowed only by prior reservation with the Landowner. The property is open to wildlife viewing via foot travel only throughout the year, via park and walk from the designated parking areas as detailed in the draft Management Plan recreational access map.

The Landowner may deny access to, or expel from the Land, any person for cause, including (but not exclusively) the following: intoxication or use of illegal substances; reckless behavior that jeopardizes human life, wildlife habitat, or Landowner's property, or is in violation of law or regulation applicable to public use of the Land; or misconduct under or violation of the terms of public access provided in this easement, including any plan of access adopted and implemented under this easement.

Specific terms of the easement are contained in a separate legal document, which is the "Deed of Conservation Easement". This document lists FWP and Landowner rights under terms of the

easement as well as restrictions on landowner activities. The rights of both parties and restrictions on Landowner activities were negotiated with and agreed upon by FWP and the Landowner.

To summarize terms of this easement, FWP's rights include the right to: (1) identify, preserve and enhance specific habitats and conservation values of the Land; (2) upon prior notice to the landowners, enter upon and inspect the Land (3) monitor, enforce and prevent activities inconsistent with purpose of the easement; and (4) provide hunting, trapping, wildlife viewing (recreational access) for the general public.

Landowner's retained rights include the right to: (1) graze livestock within the described grazing system; (2) cultivate and farm grain fields and/or hay land as described; (3) provide regulated public use of the Land at all times; (4) develop and maintain water resources, including springs, on the Land necessary for farming, grazing and wildlife purposes that are allowed by this easement; (5) repair, renovate, improve or remove existing structures (grain storage bins and corral); (6) repair, renovate or improve existing service roads; (7) construct, remove, repair and/or replace fences for grazing livestock; (8) maintain, renovate, repair or replace utilities existing on the Land at the time of the grant of this easement; (9) use agrichemical, biological, and/or mechanical means for the control of noxious weeds; (10) right to maintain, renovate, repair, or replace utility structures existing on the Land as long as they are consistent with the purposes of the conservation easement and will not significantly impact the conservation values of the Land (with prior approval); (11) build up to one new residence within a 2.5 acre defined building area as determined by FWP (12) maintain, restore and/or improve fish and wildlife habitat (subject to prior approval); (13) grant, sell, exchange devise, gift, convey, transfer or dispose of all of Landowner's right, title, estate, and interest in the land in one parcel only.

Restrictions placed upon Landowner activities include: (1) no removal, control or manipulation by any means of shrub and tree species that could be browsed and utilized by wildlife (including but not limited to: snowberry, rose, hawthorn, chokecherry, buffalo berry, ash, cottonwood and willow) except in routine clearing for roads, trails, structures and fence lines; (2) no subdivision; (3) no cultivation or farming beyond what's described; (4) adherence to a described grazing plan outlined in Management Plan (5) no outfitting or fee hunting; (6) exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials by any mining method that disturbs the surface of the Land is prohibited; in addition, the exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials below the surface of the Land by any sub-surface mining method that would significantly impair or interfere with the conservation values of the Land is prohibited. (7) no commercial feed lots; (8) no game farms or alternative livestock farms; (9) no waste, refuse or hazardous material dumping ; (10) no commercial or industrial use except traditional agricultural use (11) no aerial agrichemical application for farming purposes or noxious weed control (ground application only); (12) draining, filling, dredging, leveling, burning, ditching, diking or reclamation of any natural or manmade wetland or riparian area is prohibited; (13) Landowners shall use their best efforts to assure the retention of any and all water rights currently in use and will not transfer, encumber, sell, lease or otherwise separate such rights from the Land or allow them to be lost or abandoned due to nonuse or for any other reason without prior approval from Grantee; (14) granting of right-of-way or easements for utilities, roadways, natural gas lines, or other purposes are prohibited without prior approval from the Grantee; (15) the construction of facilities for the development and utilization of renewable energy resources, including, wind and solar for use principally on the Land by the Landowners is provided.



## VI. DESCRIPTION OF ALTERNATIVES TO THE PROPOSED ACTION

### **No Action Alternative**

FWP considered the alternative of taking no action. Under the "No Action Alternative" Pheasant Bend would continue to be managed in its current state. Should the property be sold, there would be no guarantee of the preservation of agricultural values, wildlife habitat, open space, historic values, recreational values and other resources as they are found on the property. Specifically, without the proposed easement, these resources could be vulnerable to future residential subdivision, sodbusting, improper livestock grazing, commercial feedlots and surface mining. These activities would likely result in decreased habitat quantity, quality and wildlife use. The magnitude of these and other potential impacts to this and adjacent physical and human environments are difficult to measure due to the uncertainty of future events. Without FWP's involvement, it is highly unlikely that a conservation easement would be purchased or placed on the property.

### **Alternatives Considered but Dropped from Further Consideration**

The Landowner initiated the conservation easement process with FWP and at no point expressed interest in fee title sale or a long-term lease, therefore the alternative of purchasing Pheasant Bend fee title or having a long-term lease is not an option. Since conservation easements are also FWP's preferred option to maintain the property in private ownership, the only other reasonable alternative considered in this EA is the "No Action Alternative" as described above.

## VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT

Through prevention of certain identified activities, this conservation easement will legally maintain or improve existing habitats into perpetuity. Impacts associated with this proposed action shall be determined only as they apply to current resource ownership, uses and conditions. Under the No Action alternative, future resource ownership, uses and conditions may or may not change. Consequently, impacts associated with the No Action alternative are unknown.

### 1. Land Resources

Impact of proposed action: No negative impact would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts to soils and vegetation. Subdivision and development of the Land is restricted under easement terms, as is cultivation of native plant communities (sod-busting). The proposed easement will ensure that land resources are maintained and/or enhanced into perpetuity.

No Action alternative: There would likely be no changes to the existing land resources if there is no change in ownership. However, this alternative would allow for potential disturbance of soils and vegetation from intense agricultural and/or grazing practices and possible residential development if the current owner sells the property in the future.

### 2. Air Resources

Impact of proposed action: The proposed action would likely result in a net reduction in potential future risks to air and water quality on the subject Land, compared to no action. Possibilities for residential, commercial, and industrial developments would be restricted across the subject Land through this easement.



No action alternative: There would be no immediate impact. However, if the Land were to be subdivided, increased human activity could potentially degrade the current air quality.

### 3. Water Resources

Impact of proposed action: There would be no future impact over what is currently associated with a working farming operation. Current agricultural practices on the property have proven to be generally compatible with maintenance of water quality.

No action alternative: There would be no immediate impact. However, there would be no assurances that over time that the property wouldn't change from primarily an agricultural operation to another use, with no conservation protection of water resources.

### 4. Vegetation Resources

Impact of proposed action: This action would result in a positive impact. The terms of the easement protect the quantity, quality and character of the native plant communities found on the property. The prescribed grazing system (see Draft Management Plan) will allow and foster native riparian vegetation establishment, recovery and maintenance on all sites within the grazing system.

No action alternative: There would be no immediate impact. If the Land's primary use were to change from agriculture to some other use such as subdivision, there would be no conservation measures in place to maintain productivity of the land. In addition, there would be no long-term protection of existing native plant communities. Livestock grazing, sodbusting and potential subdivision would be unrestricted across all subject lands under this alternative.

### 5. Fish/Wildlife Resources

#### **Threatened and Endangered Species**

Impact of the Proposed Action: There are no federally listed species within the proposed project area, however, there are many species that are currently under consideration for listing or that have been petitioned for listing in the past. Many of these species are listed as Species of Concern (SOC) by the Montana Natural Heritage Program and have been targeted for conservation and special management.

The Missouri River corridor is arguably one of the most important stop-over locations for migratory waterfowl along the Rocky Mountain Front of Montana. As migrating waterfowl move north in the spring, the river and its many floodplain wetlands are essential staging areas for a wide diversity of waterfowl. Similarly, fall migrants depend on the river as resting areas as they feed in adjacent farm fields. The project area lies within the continental priority wetland areas of each of the four major bird initiatives, as shown on the US Fish and Wildlife Service (USFWS) Bird Habitat Standards Grants maps, and is located in the Ennis Bird Habitat Conservation Area (BHCA), identified in the Intermountain West Joint Ventures (IWJV) *Coordinated Implementation Plan for Bird Conservation in Western Montana*. On-going Pheasant Bend conservation and enhancement efforts will contribute directly to meeting the conservation objectives and priority species' needs as outlined in each of the four continental bird conservation plans. The project would secure important migration habitat for thousands of waterfowl and provides nesting habitat for some of these same species. Annual mid-winter waterfowl surveys on the Missouri River from Great Falls to Craig reveal approximately 5,000

ducks and 20,000 Canada geese in recent years.

This project will contribute to the *U.S. Shorebird Conservation Plan and Intermountain Shorebird Conservation Plan* goal of “maintaining and enhancing diverse landscapes that sustain thriving shorebird populations by working to protect, restore and manage shorebird habitat”. Regional NAWCA/Shorebird Plan priority species using the area include the American Golden-Plover, Long-billed Curlew, American Avocet, and Wilson’s Phalarope. The shorebird species that occur in the project area require a landscape of grassland and wetland habitats for nesting, brood-rearing and migration habitat, with Long-billed Curlew being the key breeding species in the project area. In response to range wide declines over the past 25 years, The Montana Bird Conservation Partnership and American Bird Conservancy have developed conservation initiatives for this species. The project area falls within one of twelve focal areas – places with the best remaining habitat and densest curlew populations.

This land protection effort will directly contribute to the goal of the *North American Waterbird Conservation Plan* and its associated *Intermountain West Waterbird Conservation Plan* to “assure the protection of important colony sites, breeding sites, habitats and Important Bird Areas (IBAs) for waterbirds”. One candidate IBA under this plan is the Missouri Headwaters IBA, upstream of our project tract at the confluence of the Madison and Gallatin rivers. The Greater Sandhill Crane and Great Blue Heron are two priority waterbirds that utilize targeted habitats on the project tract. Sandhill Cranes stage for fall migration on and around the property. The Intermountain West Joint Venture’s recently updated Implementation Plan (2013) identifies Sandhill Cranes as an “umbrella” species for waterbirds and have been targeted for focused population trend monitoring. Additionally, this project will provide habitat for Bald Eagle, a State listed Species of Concern (NHP 2006) and a Tier I Species of Greatest Conservation Need (MFWP 2005). A documented Bald Eagle territory occurs in one of the cottonwood stands near the property, and the Missouri River in this area is currently saturated with active Bald Eagle nesting territories.

Riparian and wetland communities support the highest concentration of plants and animals in Montana, including approximately 1/3 of Montana’s wildlife (Ellis 2008). This importance is highlighted in the identification of riparian areas as a Community Type of Greatest Conservation Need in the Comprehensive Fish & Wildlife Management Strategy (CFWCS, FWP 2005), and as a priority in the 5-year Implementation Plan for the CFWCS. The American Bird Conservancy identified at least 86 different bird species on the neighboring Bird Creek Ranch during a 2001 survey. Long-term bird surveys on the adjacent FWP Ulm Fishing Access Site demonstrate high bird diversity. A bird banding station was operated for 20 years (1984-2004) to monitor avian productivity and survivorship. The University of Montana Avian Science Center conducts point count surveys on the Missouri River for population trend monitoring. These surveys identified 75 bird species inhabiting the property and/or neighboring habitats including American White Pelican, Swainson’s Hawk, Willow and Least Flycatchers, Black-billed Cuckoo and Lazuli Bunting. Species including northern leopard frog, trumpeter swan, bald eagle, Townsend’s big-eared bat inhabit the Farm or neighboring habitats. These species are identified in Montana’s Comprehensive Fish & Wildlife Conservation Strategy (MFWP 2005) as species in greatest need of conservation.

The protection and restoration of riparian complexes in the project area will directly correspond to the recommended actions of the *North American Landbird Conservation Plan* to “protect high quality riparian habitat, manage and restore degraded stretches, and restore natural flows and flooding regimes. The project also specifically addresses several additional wetland and riparian habitat

objectives in the *InterMountain West Joint Venture Coordinated Implementation Plan for Bird Conservation in Western Montana (2005)* including the protection and enhancement of priority habitats such as riparian deciduous and riparian shrublands.

This project targets several Tier I species in Montana's Comprehensive Fish and Wildlife Conservation Strategy, and falls within the Montana Glaciated Plains Terrestrial Focus Area and the Middle Missouri River & Tributaries Aquatic Focus Area (MFWP 2005). Similarly, the habitats found within the project area are also identified as Communities of Greatest Conservation Need: Riparian and Wetland, Grassland, and Mixed Broadleaf Forests. Species such as Long-Billed Curlews, Bald Eagles and Great Plains Toads will benefit from the perpetual conservation easement. Montana's Comprehensive Strategy lists conversion of grasslands to agriculture, loss of natural wetlands, and degraded riparian vegetation as primary concerns, and encourages habitat restoration and protection, including conservation easements, while sustaining farm and ranch profitability as key tools to address these concerns. As such, this property fits perfectly with the priorities and recommendations of the Strategy.

No-action alternative: This alternative would allow for potential disturbance of soils and vegetation from intense agricultural and/or grazing practices and possible residential development by the current owner or if/when there is a change of ownership.

#### **Wildlife (General)**

Impact of the proposed action: The proposed action would protect into perpetuity an important and strategically located native riparian and wetland habitat complex for game and non-game species alike. The property provides year round habitat not only for game species, but for a variety of non-game bird and small mammal species.

No-action alternative: There would be no immediate impact. However, this alternative would preserve the possibility of future habitat loss and the adverse impacts to wildlife populations described in the Purpose and Project Need segment of this EA.

#### **6. Adjacent Land**

Impact of proposed action: No negative impact is expected. The property will be maintained as has historically occurred. The grazing system will directly benefit the property through dedicated yearlong rest periods within the system will directly benefit the quality and quantity of vegetation on these lands (see draft Management Plan grazing system).

No action alternative: There would be no immediate impact. However, this alternative would preserve the possibility of future subdivision and habitat loss potentially causing impacts to neighboring lands as wildlife populations are displaced. There would be no guarantee that public hunting would occur in the future, which could result in increased hunting pressure on adjacent lands.

#### **VII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT**

Through prevention of certain identified activities, this conservation easement would legally maintain and/or improve existing habitats into perpetuity. Impacts associated with this proposed action shall be determined only as they apply to current resource ownership, uses and conditions. Under the No action alternative, resource ownership, uses and conditions may or may not change. Consequently,

impacts associated with the No action alternative are unknown.

#### 1. Noise/Electrical Effects

Impact of proposed action: No impact would occur over existing conditions. Preservation of open space into perpetuity will ensure noise and electrical effects remain as in existing conditions of the property.

No action alternative: Noise and electrical impacts could negatively impact the area through potential future housing and road developments. Utilities would be required to develop the area, negatively impacting the project area and neighboring lands compared to the proposed action alternative.

#### 2. Land Use

Impact of proposed action: The property would continue to operate as a working farm. There would be no impact on the productivity or profitability of the farm, nor be conflicts with existing land uses in the area. The maintenance of a grazing system may influence the method of use but does not impact the type of land use.

No action alternative: No immediate impact would occur. However, with potential future changes in land ownership and land use, habitat quality, wildlife use and recreational opportunities could be diminished.

#### 3. Risk/Health Hazards

Impact of proposed action: The property would receive increased visitation by the general public for hunting and wildlife viewing which is defined in the Management Plan. Current landowners already allow access for these activities. The Management Plan reduces risk through a hunting season "Weapon Restriction" of muzzleloader, traditional handgun, shotgun, archery and crossbow only. No high power rifles allowed for hunting on the property. No target shooting is allowed on the property.

No action alternative: No impact would occur.

#### 4. Neighboring Landowners and Local Community Impacts

Impact of the Proposed Action: The proposed action would generally maintain existing conditions in the local community. There would be no anticipated negative impacts to the community. The scenic values and open character of this property would be maintained and enjoyed by the community into perpetuity. Refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

No action alternative: Future residential development if unchecked would change the nature of the existing community to a varying degree. The no action alternative would allow the possibility for substantial changes in future land uses of Pheasant Bend, which may affect neighboring property values to varying degrees. Neighboring Landowners might be concerned about a change in ownership and possible changes in land use under the No action alternative, as these could affect the amount of effort and expense a Rancher must devote to maintaining fences and protecting his or her adjacent property.



## 5. Public Services/Taxes/Utilities

Impact of proposed action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems, nor tax bases of revenues, nor increased uses of energy sources. As agricultural property in private ownership, the land would continue to be taxed as it has before. Refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

No action alternative: With possible residential subdivision, police and fire protection, road improvements, utilities and services would be demanded at a potential cost to the local community.

## **Economies**

Impact of the Proposed Action: The proposed action would restrict future residential and commercial developments on the subject Land, which would allow wildlife to continue to flourish. The scenic view-shed would be preserved by the proposed action, which may translate into a minor, long-term economic benefit to land values of surrounding properties. Refer to attached draft Socio Economic Assessment for additional analysis on potential impacts to the local economy.

No Action Alternative: Over the long run, the No action alternative could increase residential and commercial growth in the local community. Therefore, future development under this alternative on the subject Land and possibly neighboring lands would be accompanied by costs for roads, utilities and other services which would be required partially or wholly by state and local governments. If land use changed from agriculture to residential, there could be increased property tax revenue generated for the County.

## 6. Aesthetics/Recreation

Impact of proposed action: There would be a positive impact. This easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas, and would not affect the character of the neighborhood. The proposed action would continue public access similar to what current landowners have allowed in the past for hunting and wildlife viewing on the property.

No action alternative: Eventual subdivision and development would reduce the aesthetic and recreational opportunities on the project area. If residential development occurs on the property in the future, which would be possible under the No action alternative, hunting and wildlife viewing opportunities would almost certainly be removed forever.

## 7. Cultural/Historic Resources

Impact of proposed action: There would be a positive impact. According to the Montana State Historic Preservation Office there have been only a few previously recorded historic sites within the property boundary including a historic railroad/trail and a fire hearth/roasting pit. The existing historic values on the farm would be conserved through terms of the conservation easement.

No action alternative: There would be no immediate impact. Residential subdivision or development occur in the future allowable under this alternative would leave cultural and historical resources at

risk.

## 8. Cumulative Impacts

Impact of the proposed action: The proposed action would not be expected to contribute to a cumulative impact in a measurable way to the existing natural resources at the property in a measurable way. However, the protection of an additional 298 acres adjacent to the Missouri River would have a positive cumulative impact to the number of acres wildlife habitat protected by conservation easements within a 10 miles stretch of the Missouri River.

No Action Alternative: The No Action alternative could ultimately contribute to the cumulative regional and local losses of wildlife habitat in general, and natural wetland and riparian complexes in particular, if the subject Land is managed in a manner incompatible with wildlife requirements. No action could ultimately contribute slightly to the cumulative regional and local loss of grazing and farm land for the agricultural industry.

## 9. Socio-Economic Assessment

The following quantifies the social and economic consequences of the two management alternatives following two basic accounting stances: financial and local area impacts. Financial impacts address the cost of the conservation easement to MFWP and discuss the impacts on tax revenues to local government agencies including school districts. Expenditure data associated with the use of the property provides information for analyzing the impacts these expenditures may have on local businesses (i.e. income and employment).

A. Financial Impacts - The proposed conservation easement on the property would be funded by FWP's Habitat Montana and Upland Game Bird programs, Great Falls Chapter Safari Club International, Montana Fish & Wildlife Conservation Trust, PPL Montana, Montana Ducks Unlimited and Upper Missouri Chapter Pheasants Forever. Total cost of the easement is \$280,000.

MFWP's financial commitment is approximately \$195,000. These dollars are provided through the Habitat Montana Program, which is funded by sportsman's license dollars.

Maintenance/management costs related to the easement are associated with monitoring the property to insure the easement terms are being followed.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. The easement, considered separately, will not change the type or level of use on the property. Therefore, the purchase of a conservation easement on this land will have no impact on the current level of taxes paid to Cascade County.

B. Economic Impacts - The purchase of a conservation easement will not affect the agricultural activities on the Pheasant Bend property. The easement will provide public recreational access for hunting, trapping and wildlife viewing. Recreational and hunter use defined in the conservation easement agreement and further detailed in the Draft Management Plan.

C. Findings and Conclusions - The conservation easement will provide long-term protection for wildlife habitat, maintain the agricultural integrity of the land, and ensure public recreational opportunities. The purchase of a conservation easement by MFWP will not cause a reduction in tax revenues on this property from their current levels to Cascade County.

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral to slightly positive in both the short and long run.

#### IX. SUMMARY EVALUATION OF SIGNIFICANCE

The proposed action has no significant effects on current conditions. It cannot be definitively determined what, if any, effects may result from the No action alternative.

#### X. EVALUATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the above assessment, an Environmental Impact Statement is not required and an Environmental Assessment is the appropriate level of review.

#### XI. PUBLIC INVOLVEMENT

Formal public participation specific to FWP's proposed purchase of this conservation easement will begin with the availability of this Draft Environmental Assessment (EA) for public review for a one month comment period. The availability of this EA for public review will be advertised in the Great Falls and Cascade areas, and through statewide media via FWP's website at [www.fwp.mt.gov](http://www.fwp.mt.gov) – public notices. A copy of the Draft EA will be mailed to all parties who indicate an interest in this proposal. The public review and comment period will be September 24 through October 23, 2014. A public hearing will be held at the Ulm School, October 9<sup>th</sup> at 7:00 P.M. After reviewing public input received on or before October 23, FWP's Region 4 Supervisor will decide upon a preferred alternative. A recommendation will then be provided to the Fish and Wildlife Commission. The Fish and Wildlife Commission will be asked to render a final decision on this proposal at their regularly scheduled meeting November 13, 2014. As with any FWP land transaction, the Montana State Board of Land Commissioners will provide ultimate approval/disapproval on the project.

Comments should be addressed to:  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
Attn: Pheasant Bend Conservation Easement Proposal

Or

[fwprg42@mt.gov](mailto:fwprg42@mt.gov)  
Attn: Pheasant Bend Conservation Easement Proposal

Comments must be postmarked no later than October 23, 2014 to ensure consideration in the decision-making process.

## XII. NAME OF PERSON RESPONSIBLE FOR PREPARING EA

Cory Loecker  
Wildlife Biologist  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
(406) 454-5840  
[cloecker@mt.gov](mailto:cloecker@mt.gov)

### Literature Cited.

Coordinated Implementation Plan for Bird Conservation in Western Montana. 2005. Montana Steering Committee; Intermountain West Joint Venture. [www.iwjv.org](http://www.iwjv.org). 58 pgs.

Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Wildlife and Wildlife Habitat: Part III The Need for Stream Vegetated Buffers. What does the Science Say? 2008. Janet Ellis, Montana Audubon, Helena. 24 pgs.

Montana Animal Species of Concern. 2006. Montana Natural Heritage Program and Montana Fish, Wildlife & Parks, Helena, MT. 17 pgs.

Montana's Comprehensive Fish and Wildlife Conservation Strategy. 2005. Montana Fish, Wildlife & Parks, 1420 East Sixth Ave, Helena, MT 59620. 658 pgs.





# **Montana Fish, Wildlife & Parks**

## **Region 4 Wildlife Division Draft Management Plan**

### ***PHEASANT BEND CONSERVATION and PUBLIC ACCESS EASEMENT***

This Management Plan, dated as of \_\_\_\_\_, 2014, is entered into by **JEFF OLSON** owner of Olson Farms (**Pheasant Bend**), whose principal address is 387 Klock Road, Cascade, MT 59421, (hereafter referred to as the "Landowner" or "Pheasant Bend") and **MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS**, whose address is 1420 East Sixth Avenue, P.O. Box 200701, Helena, Montana 59620-0701 (hereafter referred to as "FWP" or the "Department").

This Management Plan is being entered into pursuant to Section XX.X. of that certain Deed of Conservation Easement and Public Access Easement granted by the Pheasant Bend to the Department on \_\_\_\_\_, 2014 and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of the records of Cascade County, Montana.

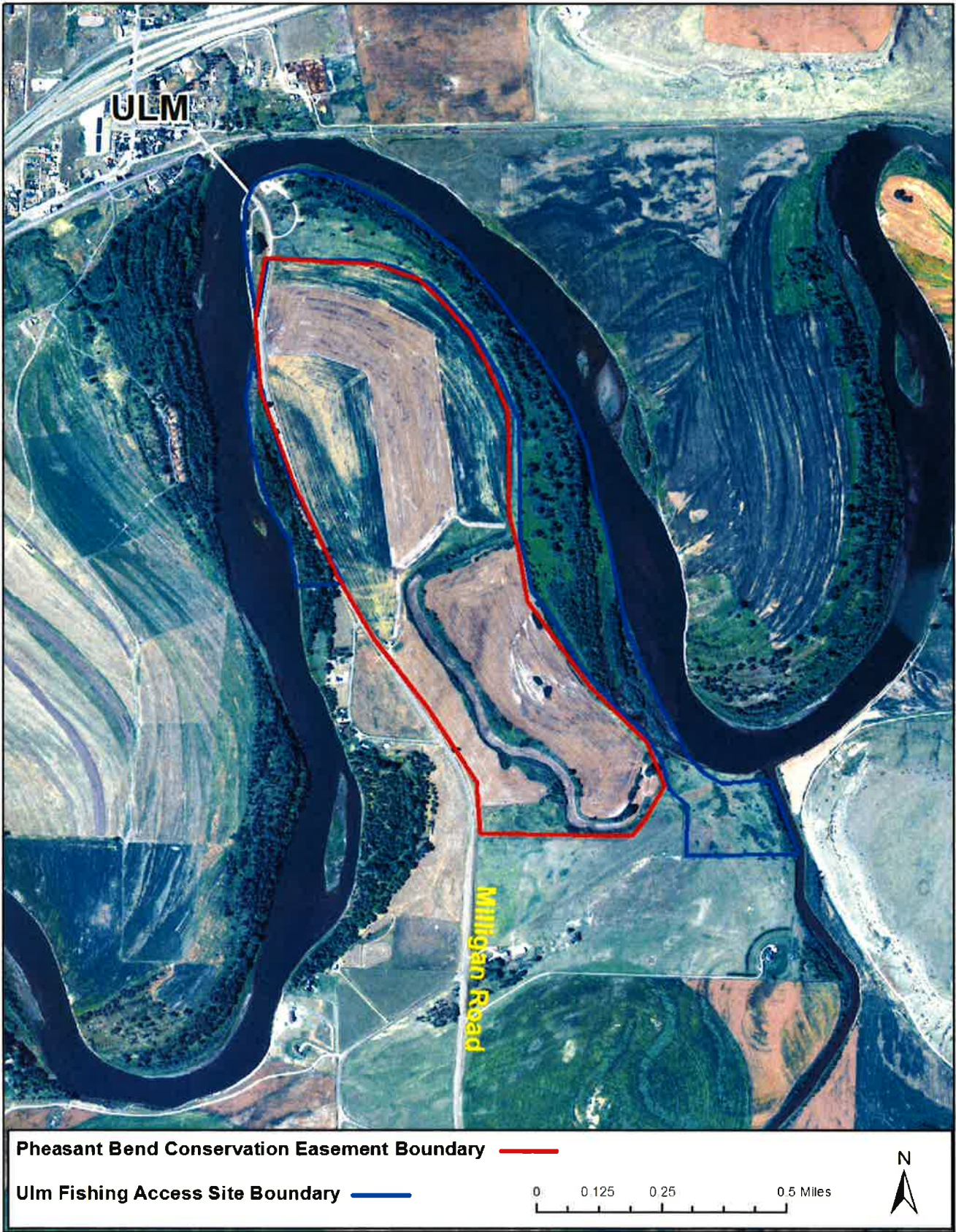
This management plan serves as a flexible link between Conservation Easement (CE) terms intended to endure in perpetuity and changeable conditions and situations on the land. It is a living document, to be reviewed periodically by FWP and the Landowner, and to be amended as needed upon agreement of both parties. Its function is to document strategies for land management in which FWP and the Pheasant Bend would be cooperating to ensure consistency with the terms and intent of the CE. The principal strategy is periodic meetings with the landowner and field monitoring of compliance with CE terms. Additionally, this Management Plan details strategies for managing croplands and native, riparian, and wetland habitats, controlling noxious weeds, and allowing public recreational access as guaranteed in the CE document.

#### **I. Introduction**

The purpose of the FWP / Pheasant Bend Conservation Easement is to preserve and protect the conservation and agricultural values of the Land, particularly the habitat the Land provides for fish and wildlife species, into perpetuity. Pheasant Bend includes 298 acres, along the Missouri and Smith Rivers near Ulm.

Jeff Olson, owner of Olson Farms, offered the sale of the Pheasant Bend conservation easement to FWP. This offer reflects the Landowner's desire to perpetually maintain and protect the family's farming and ranching lifestyle, while maintaining and/or enhancing wildlife habitats. It is proposed that a conservation easement (Pheasant Bend), to be held by FWP, be purchased from Olson Farms. Funding sources for this conservation easement include FWP's Habitat Montana and Upland Game Bird Enhancement Programs, along with funding contributions from PPL Montana (Wildlife and Fisheries TAC), Great Falls Chapter Safari Club International, Upper Missouri River Chapter Pheasants Forever, Montana Ducks Unlimited, and the Montana Fish and Wildlife Conservation Trust.

Figure 1. Pheasant Bend Conservation Easement Project Location.



The property possesses riparian, emergent and forested wetlands, shrub and native riparian communities important to many wildlife species. Approximately 23 acres (7.7%) is native riparian habitat including mature cottonwood and green ash stands, having a native shrub grassland understory mostly comprised of snowberry, willow and chokecherry. Seventeen (17) acres (5.7%) are classified as seasonal freshwater emergent wetlands (Figure 2). Species including white-tailed deer, pheasant, Hungarian partridge, Merriam's turkeys, along with numerous waterfowl, furbearer and non-game species utilize the property. Species identified in Montana's Comprehensive Fish & Wildlife Conservation Strategy as species in greatest need of conservation that inhabit the property and/or neighboring habitats include northern leopard frog, trumpeter swan, bald eagle, Townsend's big-eared bat. The property is currently managed as a working farm mostly for grain production, while maintaining and/or enhancing wildlife habitats throughout.

## **II. Goals, Objectives, Concerns and Strategies**

**Goal 1: By implementation of FWP easement terms, the quality and amounts of native habitats, important agricultural habitats and wildlife potential currently found on the Pheasant Bend property shall be maintained without displacing private land use.**

***Objective 1:** Manage native grassland, shrubland, wetland vegetation, riparian vegetation and agricultural habitats to maintain and improve these plant communities for the benefit of livestock and wildlife alike.*

**Strategy 1a:** Maintain and/or enhance native grasslands, shrublands, wetlands and riparian vegetation for wildlife habitat through conservation easement protections.

**Native Grasslands:** Native grasslands occur along and within native riparian habitats and seasonal wetlands. Removal or manipulation (sod busting) of native grasslands is prohibited within the terms of the easement document. Vegetation manipulation through implementation of the grazing system will be allowed.

**Shrublands:** Woody shrub and tree species are critically important to wildlife. The removal, control or manipulation of shrub and tree species by any means is prohibited within the terms of the easement document, including but not limited to burning, plowing, chemical treatment or removal of such tree and shrub species. These species include without limitation: aspen, rose, hawthorn, snowberry, chokecherry, skunkbush sumac, willow, cottonwood, green ash and dogwood. These prohibitions do not apply to the routine clearing or control of brush in connection with the construction and maintenance of trails, roads, fences and structures permitted under this easement.

**Wetland and Riparian Vegetation:** The on-going protection and restoration of riparian complexes in the project area will directly correspond to the recommended actions of the *North American Landbird Conservation Plan* to "protect high quality riparian habitat, manage and restore degraded stretches, and restore natural flows and flooding regimes and FWP's Migratory Birds Stamp Program. The project also specifically addresses several additional wetland and riparian habitat objectives in the *InterMountain West Joint Venture Coordinated Implementation Plan for Bird Conservation in Western Montana (2005)* including the protection and enhancement of priority habitats such as riparian deciduous and riparian shrublands. Removal or manipulation (farming, sod busting) of native wetland and riparian areas is prohibited within the terms of the easement document.

***Objective 2:** Maintain and/or enhance existing native and wildlife friendly plant communities, as well as agriculture habitats. This shall be accomplished via implementation of a grazing management plan (Appendix A) involving a rest-rotation grazing system that meets or exceeds the FWP minimum grazing standards (Appendix B). In addition, conservation practices that promote conservation farming as well as promote wildlife habitat enhancement will be employed.*



**Strategy 2a:** To perpetually define and ensure sound grazing practice across time and Landowners, this easement requires a grazing system which incorporates complete rest of native riparian and wetland habitats in given years.

While this property is capable of sustaining livestock use under sound management practices, unregulated or excessive grazing has the potential to reduce habitat quality for wildlife and fisheries. Reduced habitat quality often results in wildlife population reductions and/or displacement. Grazing plan adherence will be monitored by FWP to assess effectiveness and Landowner compliance. Livestock use and distribution will be assessed annually and will be reviewed every 5 years for functionality. FWP, in conjunction with the Landowners, may recommend fence and water improvements, if deemed necessary.

The grazing system will occur on all 298 deeded acres, utilized as one pasture. Grazing typically occurs late fall/early winter months after harvest on wheat stubble. Upon mutual agreement between both parties, the property may be grazed once every four years. This Management Plan allows a maximum of 40 AUM's during allowed grazing periods. If farmed acres are utilized as hay crop in the future, a grazing/haying plan will be implemented through this Management Plan through mutual agreement by both parties. Haying will be prohibited until after July 15 to protect upland game bird and waterfowl nesting. For pasture numbers and delineations and seasons of use, see attached grazing plan and grazing schematics (Appendix A and Exhibit C). Management goals are to maintain and/or enhance the riparian habitat buffer along the Missouri and Smith Rivers, and the seasonal wetlands.

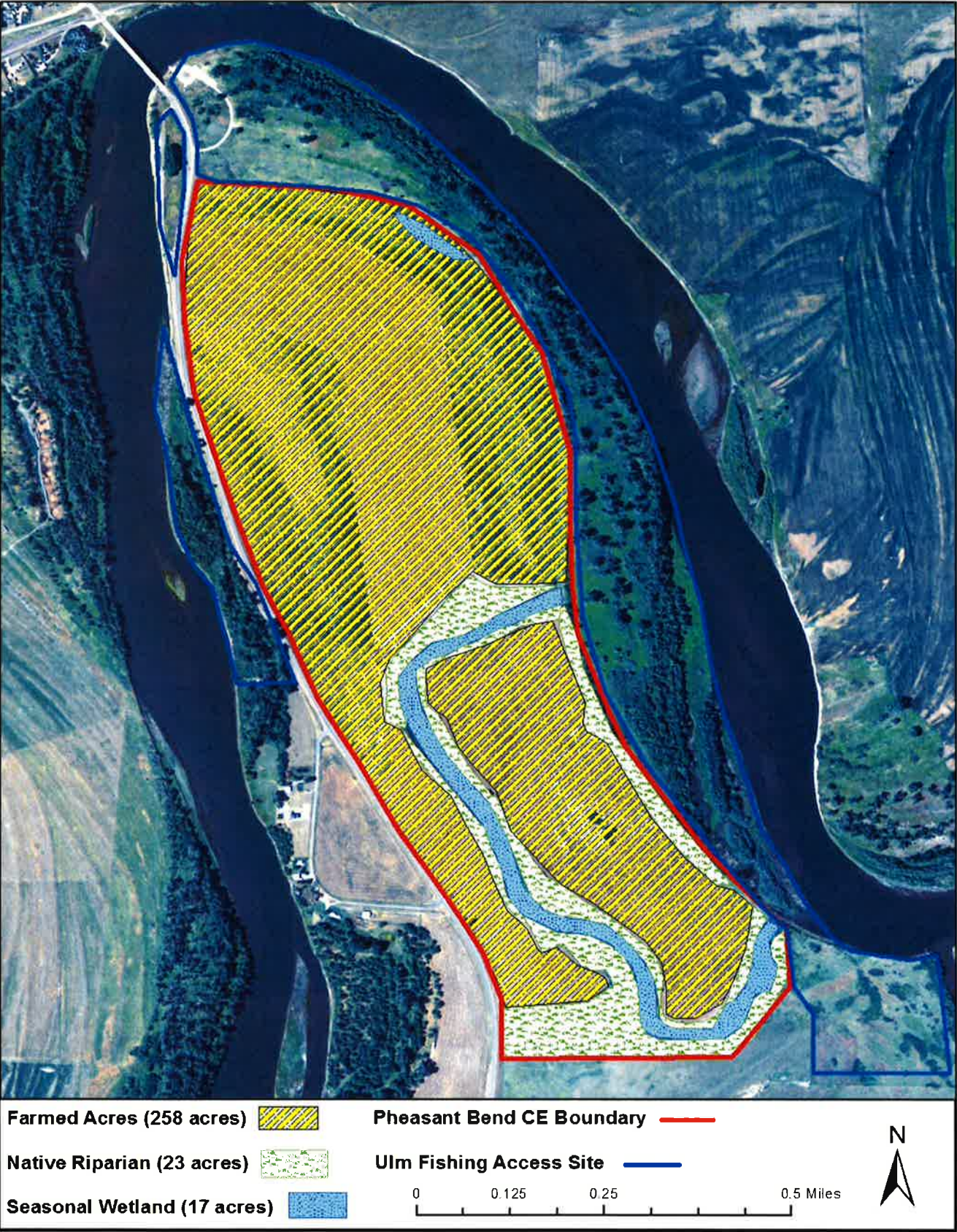
**Strategy 2b:** To perpetually define and ensure sound agricultural practices across time and Landowners, this easement requires sound farming practices to be implemented on existing cultivated ground, and allows for future implementation of wildlife habitat enhancement projects.

Farming activity will be permitted on existing or historic farm/cultivated ground only (Figure 2). No farming may occur in/on seasonal freshwater emergent wetlands (oxbows) or native riparian habitats. Sod busting or tilling of previously undisturbed native vegetation, including native riparian and wetland vegetation, is not permitted under this easement. Landowners will attempt to maintain dry land harvested grain field stubble height at 10 inches for upland game bird habitat. Should grain fields be converted to hay production, haying will be prohibited until after July 15 to protect upland game bird nesting.

Wildlife habitat enhancement opportunities exist on the property. FWP retains the right to prescribe and enhance up to 20 acres of existing farm ground for upland game bird habitat purposes. Such conservation practices may include retiring some farmed acres and converting them to dense nesting cover and/or native shrub plantings and/or leaving standing grain as a winter food source. FWP will provide technical assistance for seeding with a vegetative mix that is beneficial to wildlife. This may be, but is not limited to, participation in a Federal wildlife habitat program, such as the Conservation Reserve Program (CRP), WHIP, EQIP, etc., or a FWP habitat program such as a FWP Upland Game Bird Habitat Enhancement Project (UGBHEP). Should any wildlife habitat enhancements be implemented such as shelterbelts, riparian tree/shrub expansion and/or dense nesting cover, cattle will not be allowed to graze these areas unless it is mutually agreed upon by both parties.



Figure 2. Pheasant Bend Farmed, Native Riparian and Wetland Acres.



**Strategy 2c:** As per conservation easement terms, the Landowner has the right to “construct, remove, maintain, repair, or replace fences, corrals, and other livestock handling structures” provided the structures do not significantly impact wildlife habitat or wildlife migration on and through the land. Land maintenance, including but not limited to fence and water development construction and repair, noxious weed control and necessary road construction and repair, shall be the responsibility of the landowner. All new fence construction must comply with FWP’s Wildlife-Friendly Fencing guidelines. About 2.0 miles of the mutual boundary between Pheasant Bend and FWP’s Ulm FAS consists of woven wire fence. This fence will be removed and replaced according to FWP’s wildlife friendly fencing specifications at a cost of 50/50 between the Landowner and FWP.

***Objective 3: Maintain wildlife use of the property.***

While the main goal of the easement centers on preserving, protecting and enhancing critical riparian and wetland habitat, game and nongame species alike will benefit into perpetuity. The property provides year round habitat not only for game species, but for a variety of non-game bird and small mammal species. Existing wildlife population data for other species is limited to waterfowl, songbirds, pheasants, sand hill cranes and bald eagles. Currently, no white-tailed deer surveys occur on the Missouri or Smith Rivers in this area, although it is estimated that 50-100 whitetails inhabit the property during most times of the year. A pheasant crow count survey is conducted in the nearby Smith River area, finding an average of 15-20 crows/stop in recent years.

On Pheasant Bend and adjacent properties, game damage complaints will be managed through hunting whenever possible during general hunting season frameworks. Game damage hunts may be options should wildlife damage occur outside general hunting season dates. Game damage materials and/or assistance are provided on an as needed basis by FWP to Landowners who allow reasonable free public hunting.

***Goal 2: Provide guaranteed public recreational and hunting access opportunity yearlong.***

*Strategy 2a: Maintain free public recreational access for hunting, fishing, trapping and other non-consumptive uses on deeded land and to adjoining public lands.*

As per FWP Conservation and Public Access Easement terms, the Landowner must allow reasonable non-motorized public access for hunting, fishing, trapping, wildlife viewing and other forms of non-motorized recreation (recreational access) yearlong. The Landowner may not charge fees, lease, or commercially outfit fishing, hunting, trapping, or charge trespass fees on deeded land or to adjoining public lands. This Management Plan further defines that public access.

Public non-motorized access will originate from the designated parking area accessible from Milligan Road (Exhibit B). FWP will provide funding for development of this parking area (approximately \$500). The public may enter the property on foot via the Ulm Fishing Access Site and/or its parking area. Hunting may occur according to those regulations established by the Montana Fish and Wildlife Commission. These include: big game, upland game bird and waterfowl hunting seasons. A Weapon Restriction Area is created by this Management Plan. It will consist of weapon limitations which allow the use of muzzleloader, traditional handgun, shotgun, archery, and crossbow. Center and rim rifles are not allowed. By virtue of parking in either designated parking areas (Exhibit B), public use is permitted without further need for permission, reservation or assignment. Trapping will be permitted according to Montana Fish and Wildlife Commission regulations and will be allowed only by prior reservation with the Landowner. The property is open to wildlife viewing via foot travel only throughout the year, via park and walk from the designated parking areas as described above.

Landowner(s) may deny access to, or expel from the Land, any person for cause, including (but not exclusively) the following: intoxication or use of illegal substances; reckless behavior that jeopardizes human life, wildlife habitat, or Landowner’s property, or is in violation of law or regulation applicable to public use of the Land; or



misconduct under or violation of the terms of public access provided in this easement, including any plan of access adopted and implemented under this easement.

### **III. Overall FWP / Pheasant Bend Conservation Easement Compliance**

In order to document existing wildlife habitat, vegetative communities and distribution will be photographed and mapped for a FWP "Easement Baseline Inventory Report". This is necessary so that vegetation changes can be monitored over time. Annual monitoring will be conducted to determine compliance with the FWP easement terms on the entire property. This assessment shall be conducted by FWP, with the Landowner(s), to assess Management Plan effectiveness and to review Landowner compliance with easement terms. The Landowner is encouraged to thoroughly familiarize themselves with easement terms, Management Plan and grazing system, and refer to the Deed of Conservation Easement and Management Plan documents or contact FWP with any questions or concerns in order to avoid non-compliance.

#### **Literature Cited.**

Coordinated Implementation Plan for Bird Conservation in Western Montana. 2005. Montana Steering Committee; Intermountain West Joint Venture. [www.iwjv.org](http://www.iwjv.org). 58 pgs.

Scientific Recommendations on the Size of Stream Vegetated Buffers Needed to Protect Wildlife and Wildlife Habitat: Part III The Need for Stream Vegetated Buffers. What does the Science Say? 2008. Janet Ellis, Montana Audubon, Helena. 24 pgs.

Montana Animal Species of Concern. 2006. Montana Natural Heritage Program and Montana Fish, Wildlife & Parks, Helena, MT. 17 pgs.

Montana's Comprehensive Fish and Wildlife Conservation Strategy. 2005. Montana Fish, Wildlife & Parks, 1420 East Sixth Ave, Helena, MT 59620. 658 pgs.

## **Management Plan Attachments**

Pheasant Bend Conservation Easement Recreational Access Rules (Exhibit A)

Pheasant Bend Conservation Easement Recreational Access Map (Exhibit B)

Pheasant Bend Conservation Easement Grazing Map (Exhibit C)

Pheasant Bend Grazing System (Appendix A)

FWP Minimum Standards for Grazing Livestock (Appendix B)

## **Exhibit A. Pheasant Bend Conservation Easement Recreational Access Rules**

- 1) Pheasant Bend Conservation Easement is open to public hunting each day of the upland game bird, big game and waterfowl hunting seasons (dates as set by the Fish and Wildlife Commission – see Hunting Regulations). The property is located within FWP Deer/Elk Hunting District 445.
- 2) Hunting access is allowed via park-and-walk (non-motorized only) from designated parking areas located along Milligan Road and the Ulm Fishing Access Site (See Recreational Access Map). By virtue of parking at either designated parking area, public use is permitted without further need for permission, reservation or assignment.
- 3) Come prepared to retrieve harvested game (i.e. drag rope, game cart, backpack, etc).
- 3) This is a Weapon Restriction Area. Weapon limitations allow the use of muzzleloader, traditional handgun, shotgun, archery and/or crossbow only. Center and rim fire rifles are not allowed. No target shooting allowed.
- 4) No camping or open fires are permitted on the property.
- 5) No hunting in the immediate vicinity of livestock (if present).
- 6) Wildlife viewing is available throughout the year via park and walk from designated parking areas.
- 7) Trapping is allowed only by prior reservation with the Landowner.

**Report violations to 1-800-TIP-MONT**



**Exhibit B. Pheasant Bend Conservation Easement Recreational Access Map.**



# **APPENDIX A**

## **PHEASANT BEND CONSERVATION EASEMENT GRAZING SYSTEM**

### **1) Land Unit Description**

The Pheasant Bend includes 298 deeded acres which are located along the Missouri River, and is directly adjacent to the FWP Ulm Fishing Access Site (FAS) just south of Ulm. The property possesses riparian, emergent and forested wetlands, shrub and native riparian communities. Approximately 23 acres (7.7%) is native riparian habitat with mature cottonwood and green ash stands, with a native shrub grassland understory mostly comprised of snowberry, willow and chokecherry. Seventeen (17) acres (5.7%) are classified as seasonal freshwater emergent wetlands. The remaining 258 acres are composed of dryland agriculture fields. There are no grazing leases on state or federal lands associated with this grazing plan.

### **2) Current Management Narrative**

Pheasant Bend CE is currently managed primarily for small grain production, but also provides fall/winter grazing for the Pheasant Bend cow-calf livestock operation. Currently Pheasant Bend maintains approximately 40 AUM's which will use the grazing system.

### **3) Planned Management Narrative with tables and maps**

The entire Pheasant Bend CE is comprised of one contiguous parcel of land and fenced as such, which will be operated as one pasture. Livestock will be managed using FWP minimum standards for grazing. Because this pasture is predominantly cropland, opportunities for grazing are limited to post-harvest. Grazing will be conducted in a manner that minimizes impacts to woody riparian vegetation. Each year, the pasture will receive one of two treatments: 1) during the late fall/early winter months and 2) three consecutive years of complete rest. The grazing treatment (limited to 40 AUMs) will occur within the timeframe of approximately December 1 – January 15 the following year (1.5 months). Dates may be slightly adjusted by mutual agreement from both parties based on livestock availability, weather, water, etc but will be limited to 1.5 months. The property will then be completely rested for the following 3 years as shown in Table 1. This gives the Landowner the "option" to graze once every four years, although the Landowner is not required to graze under this plan. See Exhibits A and B for further details of the grazing formula.

**Table 1: Pasture number and annual grazing treatment**

<b>Year</b>	<b>Entire property (298 acres)</b>
<b>2015</b>	<b>C</b>
<b>2016</b>	<b>C</b>
<b>2017</b>	<b>B*</b>
<b>2018</b>	<b>C</b>

*B\* = Livestock grazing between December 1 – Jan 15. 40 AUM Cap.*

*C = Rest from all livestock grazing for the entire year.*

#### **4) Stocking Rate**

This grazing plan allows for up to 40 AUMs in the delineated pasture when/if grazing is scheduled.

#### **5) Salt and Mineral Management**

When salt and mineral supplements are used, they will be located away from riparian and wetland zones in a manner that will minimize impacts to these areas.

#### **6) Range Improvements table**

The boundary fence around the property is in fairly good condition. There are currently no permanent interior fences. The Ulm FAS and Pheasant Bend share a common boundary fence along much of the riparian habitat. There are two (2) water gap easements through FWP's Ulm FAS property that allow Olson Farm's cattle to access the river for water (Exhibit A). Maintenance of all fencing will be the landowner's expense. Future water developments, if any, will be at the landowners expense, which may be cost shared with other agencies. A well exists on the property which could also provide on-site livestock watering within the conservation easement land. If the well were development for stock water, it will be at the landowner's expense.

#### **7) How the grazing plan addresses Fish and Wildlife Objectives**

The primary purpose of this easement and grazing system is to ensure protection of existing native grasslands, wetland and riparian habitats for generations to come while maintaining agricultural land uses and ownership. By maintaining existing habitat acreage and quality, wildlife use by game species, waterfowl, upland game birds and numerous species of non-game wildlife will be perpetuated. The need for this project is not established merely by habitats or wildlife use. Rather, the need is linked to threats directed towards native habitats from unregulated livestock use or subdivision. Pheasant Bend adjoins the permanently protected FWP owned 163 acre Ulm Fishing Access Site, which incorporates 2 miles of Missouri River and Smith River frontage and compliments 3 existing nearby FWP conservation easements that also protect and provide wildlife habitat and recreational opportunities on about 4,000 acres and 14 miles of Missouri River bottomlands.



**Exhibit C. Pheasant Bend Conservation Easement Grazing Map.**



# **APPENDIX B**

## **PHEASANT BEND CONSERVATION EASEMENT FWP MINIMUM STANDARDS FOR GRAZING LIVESTOCK**

### **Introduction**

The following grazing standards represent the minimum required by FWP of a landowner who reserves the right to pasture and graze livestock (private and public land). These standards apply to all FWP funded projects; at times it may be necessary to provide more rest from grazing than described as minimum to meet specific wildlife or fisheries habitat objectives. The minimum is most frequently applied (without additional adjustment for wildlife and fisheries needs) on projects like conservation easements and Upland Game Bird Habitat Enhancement Projects where the property remains in private ownership and agricultural use remains the primary objective. On FWP WMAs, wildlife production and habitat conservation are the primary objective and when livestock grazing occurs it is not unusual for the amount of rest from livestock grazing to exceed that required by the minimum standard. Also, on some areas where wildlife production is the primary objective, grazing intensity may be reduced to a level significantly lower than allowable by the minimum standard. These standards are designed to address management of both upland and riparian landforms.

### **Why a minimum standard?**

Livestock grazing is the predominant land use in Montana. As the state's primary fish and wildlife management agency, FWP is actively involved with livestock grazing as it influences fish and wildlife habitats throughout Montana. About 2.4 million cattle are maintained in Montana. Livestock grazing occurs on about 69% of the state's land surface. Potential impacts to fish, wildlife, and their habitats caused by grazing are well documented in the literature. Also well documented are potential benefits for conservation that can be derived for some wildlife species through carefully planned livestock grazing strategies. Conserving wildlife habitat while continuing livestock grazing typically requires management strategies that differ from those employed for the sole purpose of maintaining a sustainable livestock forage base that maximizes livestock production. One reason for the difference in management strategies is because vegetation is much more than a forage base for wildlife. Vegetation species composition, structure, and diversity are important aspects of cover essential to the survival and production of wildlife. Healthy riparian communities are critical not only for aquatic species but for proper channel and flood plain function. Seventy-five percent of all Montana wildlife species rely on riparian areas for all or a portion of their lives. This includes many species covered in the FWP's Comprehensive Fish and Wildlife Strategy. When livestock grazing occurs, it is not unusual for cover to be the population limiting factor for many species. Aldo Leopold referred to this concept of habitat quality as 'Quality of Landscape'. Addressing cover is especially important in the implementation of FWP's Comprehensive Fish and Wildlife Strategy. It is therefore possible that a livestock operator may be employing a grazing strategy that maintains a sustainable forage base on most of the property, but may not be providing adequate forage, cover, or floral diversity for important fish and wildlife species.

Sustainable livestock production often employs grazing strategies emphasizing production and maintenance of grass species while placing less emphasis on the maintenance of forbs and woody plants. Many wildlife species require grazing strategies that emphasize healthy woody plants and availability of forbs and grass seed heads on at least portions of the landscape every year. The maintenance of robust woody vegetation and cover is also a very important component of healthy riparian systems. Healthy ecological systems are essential for a variety of aquatic and terrestrial riparian obligates.



The purpose of FWP's minimum grazing standards to achieve a balance between maintaining sustainable agriculture and quality fish and wildlife habitat on working ranches yet provide flexibility to conserve and protect habitat needs where they are the primary objective and agriculture is secondary. FWP has applied the standard successfully over the past 30 years on a variety of projects ranging from working cattle ranches to FWP WMAs. There are examples in Montana and other states where a grazing standard similar to FWP's is being applied by livestock operators independent of FWP.

### **Grazing plan**

Prior to grazing livestock the Landowner and FWP must agree upon and implement a grazing plan. A grazing plan includes a map of the pastures, a grazing formula specific to those pastures, the class of livestock, and other information pertinent to the management of livestock. Format for the grazing plan is included as part of the management plan template for conservation easements. The grazing plan will be included as part of the management plan for easement projects, and will define the limits and extent to which grazing may occur. The Management Plan may be amended by mutual consent, as more particularly described in Paragraph II.E. of the Conservation Easement. For other projects the management plan will be included as an attachment to the grazing lease or contract. On conservation easements the grazing plan will be enforceable only on lands covered by the easement.

### **Upland Minimum Standards for Summer/Fall Systems**

This standard applies to upland pastures in native plant communities (i.e., generally on soils that have never been plowed) and for all riparian pastures. The grazing plan must meet or exceed minimum levels of periodic rest from livestock grazing allowing native plants adequate opportunity to reproduce and replenish root reserves. The minimum amount of rest required for any pasture grazed in one year during the plant growing season is defined as rest throughout the following year's growing season (i.e., grazing deferred until seed-ripe), followed by one year of yearlong rest, as shown in Table 1. Each pasture receives only one grazing treatment per year, and the treatments are rotated annually as shown in Table 1. The growing season is defined as beginning with the period of rapid plant growth (generally early to mid-May) until seed-ripe for the latest maturing native grasses, such as bluebunch wheatgrass or western wheatgrass (generally early August). Because the exact dates can vary as much as a few weeks depending on the location in Montana, specific dates for livestock movement are developed for each project. Occasionally it may be necessary for the grazing system to allow for some livestock to be in the pasture scheduled for the A treatment (Table 1) beyond the growing season.

A three-pasture grazing system is used as an example (Table 1) to show the landowner might typically rotate livestock through pastures to meet the minimum levels and required sequence of rest from livestock grazing. In practice, the landowner is not limited to any particular number of pastures; many projects include more than three pastures. In some instances, sub-pastures are employed to meet riparian or other objectives on the land. If livestock are grazed, they must be moved through the pastures in compliance with these standards and the grazing plan. Where grazing occurs during the growing season, the three-treatments outlined in Table 1 are essential and the total number of pastures and/or sub-pastures will vary between projects.

**Table 1. Livestock Grazing Formula using a three-pasture approach as an example.**

Grazing Seasons*	Pasture 1	Pasture 2	Pasture 3
Year One	A	B	C
Year Two	B	C	A
Year Three	C	A	B

*\*When all treatments have been applied to all pastures, the grazing rotation begins again at Year One.*

*A = livestock grazing allowed during the growing season*

*B = livestock grazing begins after seed-ripe time*

*C = rest from livestock grazing yearlong*

### **Winter and/or Early Spring Grazing**

In some situations, an early grazing treatment (prior to mid-May) may be considered. However, it must be kept in mind that grazing capacity and forage production in the year a pasture is grazed from winter to beyond mid-May, will be temporarily reduced. On projects where early spring grazing (prior to rapid plant growth) is combined with summer (active growing season) grazing the three grazing treatments described in Table 1 must be employed.

It is usually more efficient to manage winter grazing separately from spring-summer grazing. If livestock are to be grazed in a native range or riparian pasture in winter or early spring (generally December through early May), and a separate grazing formula is required, it must be coordinated with the summer-fall grazing system as follows: Minimum required rest in pastures where livestock are grazed and/or fed hay during winter is one winter of rest in every two years. Hay, grain, salt, protein, or other supplements will not be placed in riparian areas during winter or any other season. Minimum required rest in pastures where livestock are grazed in spring, prior to early May, is one spring of rest in every two years. Any pastures grazed later in spring than early-mid May require the greater amount of rest shown in Table 1. As a minimum, when grazing is limited to winter or the non-growing season period, a two-pasture alternate use approach is frequently used. The area designate for winter grazing is divided into two pastures and each year one pasture is grazed during winter months and the other rested and use is alternated from year to year.

During winter months cattle tend to concentrate in wooded areas (shrub or tree-dominated areas) for shelter. This must be kept in perspective when assessing the impacts to woody vegetation. It is often the case that with careful placement of hay, cattle impacts to woody vegetation to protect it from damage, but should only be done once efforts to control livestock distribution by other means have proven ineffective. An acceptable level of impact will vary depending on the objectives (i.e., a level of woody vegetation impact acceptable for a working cattle ranch may be much different than for a WMA).

### **Scope**

The goal is to include as much of the lands under easement as possible within the grazing system, but one must be realistic in recognizing the animal husbandry needs of a livestock operation. It may be necessary to set aside small areas as animal husbandry units to be used at the landowner's discretion. Such areas might include calving pastures, branding pastures, sorting pens, bull pastures, or holding corrals. As long as the majority of the lands involved are within a grazing system, meeting the minimum standards, this is acceptable.

## **Non-native Pasture**

It is common for livestock operators to have pastures on their land that are non-native range. The landowner's goal is usually to keep these pastures productive as non-native pasture. The pastures typically are seeded with an exotic pasture grass or grass mix. On occasion forbs like dry-land alfalfa are included in the planting. The FWP minimum grazing standard does not apply to these pastures. In cases of non-native pasture a grazing strategy that is coordinated with the grazing system and meets the needs of the ranch should be worked out. In the case of crested wheatgrass pasture it may be necessary to allow grazing early (late-winter or early spring) each year to maintain palatability. In the case of other pasture grasses, such as smooth brome, a deferred approach works well; a pasture is grazed during the growing season in Year One then deferred from grazing until near seed-ripe in Year Two (about the time such grasses would normally be harvested as hay). This will maintain the productivity of the non-native species until replanting is necessary and in some cases maintain them as attractive feeding sites for large wild ungulates. It is important to keep in mind that these areas, unlike native range, are essentially cropland and whether grazed or left idle will eventually need some sort of agricultural practice to maintain their productivity.

It is usually best to leave irrigated pasture management to the landowner's discretion. If important riparian is included in the field it might be necessary to fence the riparian zone from the irrigated pasture to protect it from livestock grazing. Usually grazing strategies employed on irrigated pasture are not consistent with proper management of key native riparian plants. In such situations it may be necessary to apply the guideline series entitled: *The Need for Stream Vegetated Buffers Parts 1 through 3*, Montana Department of Environmental Quality 2008.

Livestock operators often place cows in hayfields during winter months. In such cases the field should be managed at the landowner's discretion and in some instances it might be necessary to fence out riparian from the hayfield to protect it from grazing.

## **Stocking Rate**

Usually FWP does not require a maximum stocking rate as part of the grazing strategy on easements or Upland Game Bird Habitat Enhancement Projects. In such cases it is clearly stated in the grazing plan, that the maximum stocking rate will be ultimately determined by the operator's ability to conform to the grazing system. In other words the livestock numbers may increase as long as the plan can be followed and livestock movement dates are not compromised. Such an approach is consistent with the reality that, for most easement projects, the primary use of the land is agricultural.

Occasionally a landowner has requested that an upper limit stocking rate be established as a stipulation in the easement. As long as the number of livestock is realistic this is not a problem.

On lands owned by FWP any grazing that occurs will be at stocking levels determined by the agency and approved by the FWP Commission.

## **Mineral and Other Supplements**

On privately owned grazing lands the landowner is given more discretion on locations for placement of mineral block than on FWP lands. However, regardless of land ownership the placing of mineral block within riparian areas will be strongly discouraged. On FWP lands the placement of mineral block will be described as part of the grazing plan. Supplements will be placed away from riparian areas, ponds, and roads. Rocky (stable soil) areas on ridge tops or in the trees are preferred sites.

On FWP lands livestock within pasture grazing systems are not to be fed hay.

## **Flexibility**

Rarely, a severe environmental influence (i.e., fire, drought, grasshoppers) may require a onetime deviation from the prescribed grazing plan. In such cases the landowner is to notify the local FWP representative of the problem. In a timely manner the local FWP representative, Habitat Section representative, and landowner will meet to discuss the issue and work out a solution. It is important to keep in mind that short term adjustments to the grazing plan must be the exception rather than the rule. Allowing grazing to occur in a pasture scheduled for rest is always a last resort. FWP has managed grazing systems across Montana through a variety of severe environmental events. This experience has shown that when a legitimate problem exists an alternative can usually be found that avoids grazing the pastures scheduled for rest.

Management Plan Approved By:

\_\_\_\_\_  
Jeff Olson, Owner – Pheasant Bend (Olson Farms)

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Date

\_\_\_\_\_  
Graham Taylor, FWP Region 4 Wildlife Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gary Bertellotti, FWP Region 4 Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ken McDonald, FWP Wildlife Division Administrator

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Date